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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,640	06/25/2003	Akimitsu Shimamura	YMOR:292	1038

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PARKHURST & WENDEL, L.L.P.  
1421 PRINCE STREET  
SUITE 210  
ALEXANDRIA, VA 22314-2805

EXAMINER

TREAT, WILLIAM M

ART UNIT PAPER NUMBER

2181

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/602,640	<b>Applicant(s)</b> SHIMAMURA, AKIMITSU	
	<b>Examiner</b> William M. Treat	<b>Art Unit</b> 2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/25/03</u> . | 6) <input type="checkbox"/> Other: _____  |

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1. Claims 1-8 are presented for examination.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 recites the limitation "the instruction code associated with said instruction data" in lines 15-16. There is insufficient antecedent basis for this limitation in the claim.

5. Applicant recites: "an instruction memory storing an instruction program consisting of instruction codes, said instruction program being stored as data associated with an address" in lines 2-4 but no one instruction code is singled out.

6. Claim 1 recites the limitation "said execution" in line 26. There are conflicting antecedent bases for this limitation in the claim.

7. On line 23 there is "the execution of the instruction" and on line 24 there is "the execution of the conditional branch".

8. Claim 1 recites the limitation "said address" in lines 32-33. There are conflicting antecedent bases for this limitation in the claim.

9. On lines 3-4 there is "said instruction program being stored as data associated with an address". On lines 12-13 there is "said address is provided from said instruction fetch block to said instruction memory". On lines 13-14 there is "said instruction program data at said address". On lines 29-30 there is "a branch target

address to be used if the conditional branch is taken". And, on lines 30-31 there is "an address to be used if the conditional branch is not taken".

10. In lines 2-4 of applicant's claim 1 applicant recites "an instruction memory storing an instruction program consisting of instruction codes, said instruction program being stored as data associated with an address". It is not clear why instructions are stored in instruction memory as data and how that distinguishes applicant's claims from, for instance, instructions stored in instruction memory as instructions.

11. In lines 13-20 of applicant's claim 1, applicant recites "said instruction program data at said address is inputted from said instruction memory to said instruction fetch block, the instruction code associated with said instruction program data is inputted from said instruction fetch block to said decode block, the control signal associated with the instruction decoded from said instruction code is inputted from said decode block into said execution block". Proper English language construction would be "output from said instruction memory to or into said instruction fetch block", etc. unless applicants have some unusual device construction that does not seem to have been made clear by their disclosure.

12. Note that all of the defects of independent claim 1 are inherently found in dependent claims 2-8.

13. Claims 4-8 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: as described below.

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14. Claims 4-8 contain the language, "said one of the two-address decoder being determined after the other". It is unclear what determining one address decoder after another means. Are they connected serially? Is there some determining means which reconfigures a bus structure so that the address decoders may be accessed in variable order. Is there merely a pair of pass gates activated sequentially, etc.

15. The examiner regrets that due to applicants severe 112, 2<sup>nd</sup> problems with his claims the examiner is unable to sufficiently determine the scope of applicant's claims so as to apply art at this time.

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. Henry et al. (Patent No. 6,609,194).

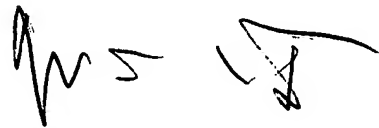
18. Harris (Patent No. 6,260,138).

19. Any inquiry concerning this communication should be directed to William M. Treat at telephone number (571) 272-4175. The examiner works at home on Wednesdays but may normally be reached on Wednesdays by leaving a voice message using his office phone number. The examiner also works a flexible schedule but may normally be reached in the afternoon and evening on three of the four remaining weekdays.

20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'W. M. Treat', with a stylized flourish at the end.

**WILLIAM M. TREAT  
PRIMARY EXAMINER**